DETAILED ACTION

1. This case is being re-opened for prosecution after the discovery of the new prior art during an updated search.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laabs et al.

Laabs et al. discloses a method of operating a variable speed spraying device having an electric motor 26, a control, and a temperature, and operates to maintain a user-selected controlled pressure, the method comprising: monitoring the temperature of the motor (column 4, lines 26-36); and changing the control of the motor from variable speed control to on/off control when the motor temperature exceeds a predetermined level to enable continued spraying a the user-selected pressure. This device is a power washing spray device, and it is known in the art that such devices have variable engine speeds to control the discharge pressure of the liquid. When the device is turned on, it becomes variable speed control since a user can adjust the motor speed during operation, and since the device automatically shuts off the motor speed when the motor speed exceeds the predetermined level as stated above, the device changes from the variable speed control to on/off control since the motor will automatically shut off upon meeting the temperature conditions, thus meeting the claim language of "changing the control ... predetermined level. Furthermore, since the device continues spraying until

the temperature condition is met, the device is enabled to continue spraying at a user-selected pressure as soon as the device is turned on, thus meeting the claim language of "to enable continued spraying at said user-selected pressure." Laabs et al. do not disclose the device as a paint sprayer, however, the teaching of Laabs et al. can be applied to a paint sprayer, since a purpose of the device of Laabs et al. is to protect its electric motor from excessive heat which is also the purpose of method of the instant claim 3. Regarding claim 1, since the device of Laabs et al. is a variable speed spray device, a user can reduce the speed of the motor, thereby reducing the pressure if he feels that the device is overheating, thus carrying the method to thermally protect the electric motor. Regarding claim 5, a user can reduce the speed of the motor upon detecting abnormally high temperatures experienced by the device since the device is a variable speed device and the device also has the capability of automatically shutting off the motor when a predetermined temperature is detected, where again, the control of the motor changes from the variable speed control to on/off control as stated above. The claim language is therefore met by the device of Laabs et al.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is (571)272-4904. The examiner can normally be reached on Mon-Friday 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Davis Hwu/
Primary Examiner, Art Unit 3752